

NOVEMBER 9, 2006

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 17E-8 (2006)
COUNTY EXECUTIVE: DEP - Variable Minimum
(5-0)

b. COMM. 18E-12 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 5
(5-0)

c. COMM. 18E-15 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 4 (Revised)
(5-0)

d. COMM. 18E-17 (2006)
COUNTY EXECUTIVE: ECSD No. 1 - Real-Time, Web-Based Wireless Flow Monitoring & Online Flow Model - Change Order No. 1
(5-0)

e. COMM. 18E-18 (2006)
COUNTY EXECUTIVE: ECSD No. 4 - Contract No. 37, Didion Road Sanitary Sewers - Dispensation of Hours - Accadia Site Contracting, Inc.
(5-0)

f. COMM. 18M-6 (2006)
TOWN OF CLARENCE: Certified Resolution Re: ECSD No. 5
(5-0)

g. COMM. 20E-17 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Disinfection Improvements - Contract No. 66STP-A - Change Order No. 2 - STC Construction, Inc
(5-0)

- h. COMM. 20M-3 (2006)
HOPKINS, GARAS & SORGI, PLLC: Request to Extend Sewer District No. 5 - Town of Clarence - 62.3 Acres - File No. 2090.1
(5-0)

i. COMM. 21E-12 (2006)
COUNTY EXECUTIVE: ECSD No. 2 - Disinfection Improvements - Contract No. 66STP-A - Change Order No. 3 - STC Construction, Inc.
(5-0)
2. COMM. 18E-8 (2006)
COUNTY EXECUTIVE
WHEREAS, the Village of Hamburg has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street and Buffalo Avenue sanitary sewers when the NYSDOT reconstructs the roads in 2006 and 2007; and

WHEREAS, cost estimates show that the estimated cost to Erie County Sewer District No. 3 is now \$2,213,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of ECSD No. 3 and the NYSDOT for the rebuilding of the Main Street and Buffalo Avenue sanitary sewers in the Village of Hamburg together with the NYSDOT’s reconstruction of the roads is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to deposit with the New York State Comptroller’s Office for the NYSDOT an amount not to exceed \$2,213,000.00 from ECSD No. 3 Capital Account C.00039 for the replacement of Main Street and Buffalo Avenue sanitary sewers, subject to the approval and verification of the cost by the County’s Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management

and Finance, Gregory Dudek, Assistant County Attorney and two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

3. **COMM. 18E-19 (2006)**
 COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 32SA to Kandey Company, Inc. for sanitary sewer improvements in Bethlehem Park, Lackawanna and the Village of Hamburg; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended acceptance of Contract No. 32SA in the final contract amount of \$585,155.90 which includes Change Order No. 2 (final), a decrease of \$116,597.10 in the Erie County Sewer District No. 6 Bond Account C.00001, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 32SA between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, NY 14224 is accepted in the amount of \$585,155.90, which includes Change Order No. 2 (final), a decrease of \$116,597.10 in the Erie County Sewer District No. 6 Bond Account C.00001, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 32SA between the County of Erie and Kandey Company, Inc. in the amount of \$585,155.90 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(5-0)

4. **COMM. 18E-26 (2006)**
 COUNTY EXECUTIVE

WHEREAS, the Spaulding Fibre Site in the City of Tonawanda is an abandoned factory and brownfield site that presents a blighting influence on the neighborhood and a health and safety risk to the community; and

WHEREAS, the City of Tonawanda, the County of Erie and the Erie County Industrial Development Agency have been working to demolish portions of the site and commence removal of asbestos at the 900,000 square foot facility; and

WHEREAS, Phase I of the project has been bid and is currently underway, with alternates for additional demolition that will require the additional \$76,000 in funding authorized by this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Community Development Block Grant Program within the Department of Environment and Planning is authorized to reallocate \$76,000 in unanticipated revenue from the 153 Fillmore Avenue brownfield site to the Spaulding Fibre demolition project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(5-0)

5. **COMM. 18E-27 (2006)**
 COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 34EV-PH2, to Southern Tier Site Utility, LLC for the installation of new sanitary sewers to eliminate in existing pumping station; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 34EV-PH2, Bluffs Subtrunk Phase 2, in the final contract amount of \$110,772.50 which includes Change Order No. 1 (final), a decrease of \$25,581.70 in the Erie County Sewer District No. 2 Bond Account C.00036 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 34EV-PH2, Bluffs Subtrunk Phase 2 between the County of Erie and Southern Tier Site Utility, LLC, 79 East Fifth Street, Dunkirk, NY 14048 is accepted in the amount of \$110,772.50, which includes Change Order No. 1 (final), a decrease of \$25,581.70 in the Erie County Sewer District No. 2 Bond Account C.00036 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 34EV-PH2, Bluffs Subtrunk Phase 2, between the County of Erie and Southern Tier Site Utility, LLC in the amount of \$110,772.50 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.
(5-0)

6. COMM. 20E-11 (2006)
COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has proposed continuation of an Open Item in the Legislature's Energy and Environment Committee to reduce the time required for approval of bond authorization for sewer construction projects.

NOW, THEREFORE, BE IT

RESOLVED, that an Open Item be established in the Energy and Environment Committee of this Legislature for the purpose of considering prerequisite resolutions pertaining to Bond Authorizations and other documents regarding either the Erie County Sewer Districts or the Southtowns Sewage Treatment Agency; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Management and Finance, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney.
(5-0)

7. COMM. 20E-19 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and the Town of Lancaster have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of Town of Lancaster Sewer Districts No. 1 and No. 2; and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of the Town of Lancaster Sewer Districts No. 1 and No. 2 entails a merger of the Town of Lancaster Sewer Districts No. 1 and No. 2 sanitary sewer systems into Erie County/Erie County Sewer District No. 4; and

WHEREAS, an intermunicipal agreement is necessary to allow for the merger of the Town of Lancaster Sewer Districts No. 1 and No. 2 sewer systems with Erie County Sewer District No. 4; and

WHEREAS, the Erie County Legislature desires to see Erie County Sewer District No. 4 have the ability to address the collection systems tributary to the County owned pumping stations and interceptor sewers; and

WHEREAS, the Erie County Legislature desires to see the Town of Lancaster Sewer Districts No. 1 and No. 2 residents realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Town of Lancaster for an intermunicipal agreement to transfer the sanitary sewer assets of Town of Lancaster Sewer Districts No. 1 and No. 2 to Erie County/Erie County Sewer District No. 4; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to transfer the Town of Lancaster Sewer Districts No. 1 and No. 2 sanitary sewer assets to Erie County/Erie County Sewer District No. 4, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; the County Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney.
(5-0)

8. COMM. 20E-20 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and the Town of Hamburg have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of the fourteen Town sewer districts referred to as the Northern Town Districts (Town District 6 - Osborne-Sagamore, Town District 7 - Osborne-Sagamore (x1), Town District 8 - Osborne-Sagamore (x2), Town District 9 - Osborne-Sagamore (x3), Town District 11 - Taylor Road, Town District 15 - East Frontier, Town District 16 - Steifler, Town District 17 - Salem Drive, Town District 20 - Linwood Yovienne, Town District 22 - Allen James, Town District 23 - Elmwood Oakwood, Town District 24 - Beacon Hill, Town District 27 - Ravenwood North, Town District 28 - Highland Acres); and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of the Northern Town Districts entails a merger of the Northern Town Districts’ sanitary sewer systems into Erie County/Erie County Sewer District No. 3; and

WHEREAS, an intermunicipal agreement is necessary to allow for the merger of the Northern Town Districts’ sewer systems with Erie County Sewer District No. 3; and

WHEREAS, the Erie County Legislature desires to see Erie County Sewer District No. 3 have the ability to address the collection systems tributary to the County owned pumping stations, interceptor sewers, and treatment facilities; and

WHEREAS, the Erie County Legislature desires to see the Northern Town Districts’ residents realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Town of Hamburg for an intermunicipal agreement to lease the sanitary sewer assets of the Northern Town Districts’ to Erie County/Erie County Sewer District No. 3; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to lease the Northern Town Districts’ sanitary sewer assets to Erie County/Erie County Sewer District No. 3, subject to approval as to form by the County Attorney’s Office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; the County Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney. (5-0)

9. COMM. 20E-21 (2006)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and the Town of Hamburg have investigated the most efficient and effective provisions for the future sanitary sewer services for the residents of Town of Hamburg Sanitary Sewer Improvement Area SS-30; and

WHEREAS, the results of these investigations show that the most effective and efficient means of providing future sanitary sewer service to the ratepayers of Town of Hamburg Sanitary Sewer

Improvement Area SS-30 entails a merger of the Town of Hamburg Sanitary Sewer Improvement Area SS-30 sewer system into Erie County/Erie County Sewer District No. 3; and

WHEREAS, an intermunicipal agreement is necessary to allow for the merger of the Town of Hamburg Sanitary Sewer Improvement Area SS-30 sewer system with Erie County Sewer District No. 3; and

WHEREAS, the Erie County Legislature desires to see Erie County Sewer District No. 3 have the ability to address the collection system tributary to the County owned pumping stations, interceptor sewers, and treatment facility; and

WHEREAS, the Erie County Legislature desires to see the residents of Town of Hamburg Sanitary Sewer Improvement Area SS-30 realize the most efficient and effective sanitary sewer service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and directed to immediately enter into negotiations with the Town of Hamburg for an intermunicipal agreement to lease the sanitary sewer assets of Town of Hamburg Sanitary Sewer Improvement Area SS-30 to Erie County/Erie County Sewer District No. 3 to include Town of Hamburg Sanitary Sewer Improvement Area SS-30; and be it further

RESOLVED, that the County Executive be authorized to execute an intermunicipal agreement to lease the Town of Hamburg Sanitary Sewer Improvement Area SS-30 sanitary sewer assets to Erie County/Erie County Sewer District No. 3, subject to approval as to form by the County Attorney’s office; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive; the County Comptroller; the County Director of Budget, Management and Finance; and Gregory J. Dudek, Assistant County Attorney. (5-0)

11. COMM. 21E-11 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-A, General, to STC Construction, Inc. for the disinfection improvements at the Big Sister Creek Sewage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 66STP-A, General, in the final contract amount of \$1,326,202.47 which includes Change Order No. 4 (final), an increase of \$5,243.49 in the Erie County Sewer District No. 2 Bond Account C.00013, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-A, General, between the County of Erie and STC Construction, Inc., 63 Zoar Valley Road, P.O. Box 429, Springville, NY 14141 is accepted in the amount of \$1,326,202.47, which includes Change Order No. 4 (final), an increase of \$5,243.49 in the Erie County Sewer District No. 2 Bond Account C.00013, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 66STP-A, General, between the County of Erie and STC Construction, Inc. in the amount of \$1,326,202.47 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to the Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, Gregory Dudek, Assistant County Attorney and the Director of Budget and Management.
(5-0)

12. COMM. 21E-13 (2006)
COUNTY EXECUTIVE

WHEREAS, for the past four years, the Counties of Erie and Niagara have been engaged in the creation and implementation of a regional planning initiative known as the Framework for Regional Growth (the “Framework”); and

WHEREAS, the Framework planning process has resulted in a Public Review Draft, completed on May 15, 2006; and

WHEREAS, the Framework initiative will now move into the implementation stage; and

WHEREAS, in order to insure smooth and efficient implementation of the policies and strategies set forth in the Framework, it is essential that geographic information systems (GIS) mapping data be developed and provided to municipalities involved in land use determinations throughout the bi-county region covered by the Framework; and

WHEREAS, in order to further insure prompt and effective implementation of the broad policies set forth in the Framework, it is essential that a specific policy manual be established for use by County officials involved in land use determinations throughout the bi-county region;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to submit a joint grant application with Niagara County for an amount not to exceed \$52,000 to the New York State Department of State under the provisions of the Quality Communities Grant Program Intermunicipal Growth Program in order to implement the policies and strategies set forth in the Framework for Regional Growth; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department Environment and Planning; the County Comptroller; and the County Attorney.
(5-0)

THOMAS J. LOUGHRAN
CHAIRMAN